

REMARKS

Summary of Claim Amendments

Independent claim 9 has been amended to include the steps “providing exhaust gas discharged from the first exhaust path to a downstream side” and “providing exhaust gas supplied to the intake path from the first exhaust path.” No new matter has been added and no new issues have been raised by these amendments. Upon entry of the above amendments, claims 1-12 will remain in the application.

Claim Rejections – 35 U.S.C. §102(b) – Asada

Claim 9 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Asada et al. (US 5,562,086) (hereafter “Asada”). This rejection is respectfully traversed.

As noted above, claim 9 has been amended in line with claim 1 to further recite the steps of “providing exhaust gas discharged from the first exhaust path to a downstream side” and “providing exhaust gas supplied to the intake path from the first exhaust path.” Such features in combination with the other steps of claim 9 are not believed to be shown or suggested by Asada. On the contrary, Asada merely discloses changing "full cylinder operation" to "partial cylinder operation" when the engine load is decreased. As recited in column 4, lines 47-53, of Asada, when the first throttle valve 10a is closed, the recirculation valve 16a of the idle cylinder group is made to be open wide, and the recirculated gas passage 15a is supplied primarily with "air" - not with the exhaust gas. Moreover, Asada does not disclose the claimed steps of “providing exhaust gas discharged from the first exhaust path to a downstream side” and “providing exhaust gas supplied to the intake path from the first exhaust path” as now claimed. Thus, Asada does not adjust the ratio of the flow rate of the exhaust gas as claimed. Withdrawal of the rejection of claim 9 is solicited.

Allowable Subject Matter

Applicant appreciates the Examiner’s indication that claims 1-8 and 11-12 are allowed and that claim 10 would be allowable if placed in independent form. In view of the amendments to claim 9, from which claim 10 depends, all claims are not believed to be in condition for allowance.

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Conclusions

The proposed amendments to claim 9 do not introduce any new issues and should be entered to place the present application in condition for allowance. Entry of the above amendments and issuance of a Notice of Allowability are solicited.

In the event that the above amendments do not place the application in condition for allowance, the Examiner is encouraged to contact Applicant's undersigned representative to resolve any remaining issues.

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